

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

ANTHONY AUGUSTUS,

Plaintiff,

Case No. 3:22-cv-328

vs.

GREENE COUNTY ADULT  
DETENTION CENTER,

District Judge Michael J. Newman  
Magistrate Judge Peter B. Silvain, Jr.

Defendant.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 7); (2) DISMISSING PLAINTIFF'S FEDERAL LAW CLAIMS WITH PREJUDICE; (3) DISMISSING PLAINTIFF'S STATE LAW CLAIMS WITHOUT PREJUDICE; (4) DENYING A CERTIFICATE OF APPEALABILITY; (5) CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND FINDING THAT *IN FORMA PAUPERIS* STATUS SHOULD BE DENIED ON APPEAL; AND (6) TERMINATING THIS CASE ON THE DOCKET**

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This *pro se* civil case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Peter B. Silvain, Jr. (Doc. No. 7), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Plaintiff was subject to an initial review of his complaint after being granted leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. *See* Doc. No. 5. Upon initial review, Judge Silvain recommended that Plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). Doc. No. 7 at PageID 51. Judge Silvain noted that, construing Plaintiff's *pro se* allegations in his favor, Plaintiff failed to state a claim for relief, so his federal claims should be dismissed with prejudice. *Id.* at PageID 49–51. Likewise, Judge Silvain recommended that, to the extent Plaintiff alleges claims under state law, this Court—if it chooses to dismiss Plaintiff's federal law claims—decline to exercise supplemental jurisdiction over his state law claims and

dismiss those claims without prejudice. *Id.* at PageID 51. Plaintiff did not object to Judge Silvain's Report and Recommendation, and the time to do so has passed.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation in full (Doc. No. 7); (2) **DISMISSES** Plaintiff's federal law claims **WITH PREJUDICE**; (3) **DISMISSES** Plaintiff's state law claims **WITHOUT PREJUDICE**; (4) **DENIES** Plaintiff a certificate of appealability; (5) **CERTIFIES** that any appeal would be objectively frivolous and finds that Plaintiff should be denied *in forma pauperis* status on appeal; and (6) **TERMINATES** this case on the Court's docket.

**IT IS SO ORDERED.**

Date: December 27, 2022

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge